



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

Larry F. Gitlin
RAPKIN, GITLIN & BEAUMONT
Suite 301
5855 Topanga Canyon Boulevard
Woodland Hills CA 91367-4620

COPY MAILED

JUN 16 2006

OFFICE OF PETITIONS

In re Application of :
Ross Clay :
Application No. 10/693,597 : DECISION ON PETITION UNDER
Filed: October 27, 2003 : 37 C.F.R. §1.137(B)
Attorney Docket Number: G-3105 :
Title: POOL LEAF REMOVAL NET :

This is a decision on the petition filed January 23, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 3, 2005, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 4, 2005. A notice of abandonment was mailed on October 4, 2005.

37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

RECEIVED

JUN 29 2006

OFFICE OF PETITIONS

C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

The present petition was received on January 23, 2006, along with the petition fee, an amendment, and a statement which is being construed as the proper statement of unintentional delay. No terminal disclaimer is required.


As such, the petition is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the concurrently submitted amendment can be processed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

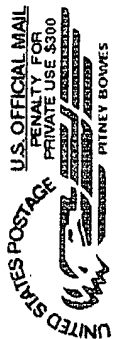
Cc: Larry Gitlin
RAPKIN, GITLIN & BEAUMONT
21650 Oxnard Street, Suite 1620
Woodland Hills CA 91367


Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Organization _____ Bldg./Room _____
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA. 22313-1450
If Undeliverable Return In Ten Days

Official Business
Penalty For Private Use, \$300

AN EQUAL OPPORTUNITY EMPLOYER



\$ 00.390
02 1A
0004205065 JUN 16 2006
MAILED FROM ZIP CODE 22314

RECEIVED

JUN 29 2006

OFFICE OF PETITIONS

X 913 N1 1 305 I 30 08/21/06
FORWARD TIME EXP. RTN TO SEND
: RAKIN GITLIN BEAUMONT
21650 OXNARD ST STE 1620
WOODLAND HLS CA 91357-7828

RETURN TO SENDER

91367+4674-76226421450

